

NYN 008 013 526

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Atkin
80 Steel Street
Rochester, New York 14606

Re: **RCRA § 3007 Information Request**
Flint Auto Wreckers

Dear Mr. Atkin:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

On or about June 16, 2004, duly authorized representatives of the EPA conducted a Compliance Evaluation Inspection (CEI) of the referenced facility ("facility" or "Flint Auto Wreckers") located at 15 Flint Street in Rochester, New York, pursuant to Section 3007 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Part 6927. During the CEI, the EPA representatives discussed the facility's generation and handling of wastes.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA hereby requires that you provide the information requested in Enclosure I, using the instructions and definitions included in Enclosure II. This information is necessary to complete the compliance evaluation inspection of Flint Auto Wreckers.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official, officer, or agent of your facility, using the form in Enclosure III to this letter.

**ENCLOSURE III
CERTIFICATION OF ANSWERS**

Flint Auto Wreckers
15 Flint Street
Rochester, New York 14608

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

Your response to this letter must be mailed to the following addressee:

Ms. Meghan La Reau Fedor
Enforcement Officer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 22nd Floor
New York, New York 10007-1866

Failure to provide the information requested is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$ 32,500 per day per violation.

You may assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by the EPA only to the extent permitted by, and by means of procedures set forth in 40 C.F.R. Part 2. The EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 USC Part 3501 *et. seq.* If you have any questions about this letter, please call Ms. Meghan La Reau Fedor, of my office, at (212) 637-4148.

Sincerely yours,

George Meyer, P.E., Chief
RCRA Compliance Branch

Enclosures: Enclosure I B Information Request
 Enclosure II B Instructions & Definitions
 Enclosure III B Certification of Answers

cc: Tom Killeen, Supervisor
 Hazardous Waste Compliance
 New York State Department of Environmental Conservation

Mike Khalil
New York State Department of Environmental Conservation


ENCLOSURE I
INFORMATION REQUEST

Flint Auto Wreckers
15 Flint Street
Rochester, New York 14608

Based on a review of the information obtained during this RCRA inspection (the "inspection"), we have determined that the following information is required to evaluate the compliance of Flint Auto Wreckers:

The relevant time period for every question is June 16, 2001 though the date of receipt of this letter, unless otherwise specified.

1. Please list each activity conducted at the facility in which the following is, was or may be generated:
 - a. hazardous waste as defined in 40 CFR §261.3,
 - b. a waste that is potentially contaminated with, or potentially contains, any hazardous or toxic constituents listed in Appendix VIII to Part 261,
 - c. any waste deposited in a sink or sewage system with the exception of sanitary waste, or
 - d. a waste otherwise released to air, soil, or surface water.Activities include all activities and/or processes including but not limited to: prepping cars prior to shredding at Genessee & Scrap, automobile loading, automobile unloading, automobile fluid removal, air bag removal, and mercury switch removal. If no written documentation is available to determine the answer, please obtain the information by other means such as employee interviews and solid waste disposal receipts.
2. Please indicate the chemical composition and quantity of each waste generated each month in the activities mentioned above during the time period June 16, 2001 to the present. Please indicate the EPA Hazardous Waste Number, as specified in 40 C.F.R. Part 261 Subparts C and D, of each hazardous waste listed, if applicable.
3. For wastes determined to be hazardous waste, please describe the manner in which each of the wastes listed above were determined to be hazardous. Please submit copies of any documentation used in making such determinations and all analytical results, if available, including the date(s) of analysis and the analytical methods employed. If knowledge about the waste was used in lieu of analysis to make any determinations of whether such waste is hazardous, please describe in detail how such determination was made, including copies of any supporting documentation.
4. For all other waste, please describe the manner in which any waste listed above, was determined not to be hazardous waste. Please submit copies of any documentation used in making such determinations and all analytical results, including the date(s) of analysis and the analytical methods employed. If knowledge about the waste was used in lieu of analysis to make any determinations of whether such waste is not hazardous, please describe in detail how such determination was made, including copies of any supporting documentation. If any solid waste or hazardous waste exclusions or exemptions are claimed, please discuss for each waste the applicability of the exclusion or exemption.

- 
5. Please indicate, for each waste indicated in response to Question 2 above, the date of generation, the date the waste was first placed into storage, the location of storage, the duration of storage, and the date of any treatment or disposal during the time period June 16, 2001 to the present. Please include all locations, whether at the facility or elsewhere, where the waste is stored. Please include a step by step process of the management of these wastes from cradle to grave. Please be specific.
 6. If any of the wastes indicated in response to Question 2 is stored in more than one area prior to disposal (e.g., storing waste at Flint until shipment to Genessee & Scrap), please indicate the quantity and location of each such waste stored and the manner and duration of storage in each such area during the time period June 16, 2001 to the present.
 7. Please indicate, for each hazardous waste listed in Question 2, how the waste is collected for transportation to the disposal facility. Include how the waste is packaged, where it is packaged, and by whom. If a contractor service is used, please provide their name, address, qualifications, and hazardous waste training.
 8. Please describe the manner in which each waste listed in Question 2 above was treated and disposed. Please include the name of the disposal company, along with their phone number and address.
 9. When submitting your response, attach to the Certification of Answers to Request for Information (Enclosure III, below) a list of persons by name, position or title, and company who prepared or assisted in the preparation of the responses to this information request.

ENCLOSURE II
INSTRUCTIONS AND DEFINITIONS

Flint Auto Wreckers
15 Flint Street
Rochester, New York 14608

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of Flint Auto Wreckers ("facility"). The signatory must sign the attached Certification of Answers (Enclosure III) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure I.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is any and all locations at 15 Flint Street in Rochester, New York owned or operated by Louis Atkins, Flint Auto Wreckers, Genessee Scrap & Tin Baling Co. Inc., Atkin's Waste Materials, Inc., and/or L. Atkin's Sons, Inc.
11. A *hazardous waste generator* is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste

or whose act first causes a hazardous waste to become subject to regulation.

12. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
13. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
14. *Spent* shall be defined for the purposes of this Request for Information as any material that has been used and is no longer fit for use without processing.
15. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII.
16. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

**Flint Auto Wreckers
15 Flint Street
Rochester, NY 14608
EPA ID # NYN 008 013 526**

RCRA COMPLIANCE EVALUATION INSPECTION NARRATIVE REPORT

Report Date: August 23, 2004

DATE OF INSPECTION: Wednesday, June 16, 2004

TIME OF INSPECTION: approximately 2:00 PM

EPA PARTICIPANTS:

Meghan La Reau Fedor, Environmental Scientist, EPA Region 2, RCRA Compliance Branch, (212) 637-4148, lead inspector

Sam Kerns, Environmental Engineer, EPA Region 2, RCRA Compliance Branch

FACILITY PARTICIPANTS:

Bob Shelton, Flint Auto Wreckers owner

FACILITY OPERATIONS

Bob Shelton is the owner of Flint Auto Wreckers (Flint) and, according to Mr. Shelton, Louis Atkins is the owner of the property. Mr. Shelton has been at the property for about 40 years. He operates from 7 AM to 6 PM everyday with a night watchman. According to Mr. Shelton, he takes cars in from off-site and prepares them for processing at Genessee Scrap & Tin which is located on Steel Street in Rochester. Mr. Shelton said he will take cars off the street or they are brought in. According to government databases, the site has never manifested any hazardous waste off-site and did not have an EPA Identification number. (NYN 008 013 526 was recently assigned to the site due to the June inspection.) The facility has never been inspected.

SITE TOUR

The property is an unpaved storage area. According to Mr. Shelton, it has been here since about 1964. No containers or drums of fluids were observed at the time of the inspection. According to Mr. Shelton, the fluids are not removed from the cars until he has to get them ready for processing at Genessee. According to Mr. Shelton, he waits until he receives about 100 cars and then he calls Mr. Atkins to come and pick them up. He said it was up to Mr. Atkins who drains the fluids and prepares the cars. He said if Atkins is in a hurry to get the cars, Mr. Atkins (and his people) will prepare the cars and, if not, Mr. Shelton will do it. Mr. Shelton said he hasn't dismantled any cars in about three years. He said the 250 cars picked up in February had been accumulating for about three years. According to Mr. Shelton, Atkins came to the site in February and cleaned up. According to Mr. Shelton, he is a one man operation and may quit in the winter. Bob was in the hospital in February and was not at the site when the cars were removed.

Mr. Shelton said he is semi-retired and doesn't do anything with the cars that come into his site. A local guy comes to siphon the gasoline out of the cars to be used for his personal use but no other liquids are drained from the cars when they enter the site. Many tires were observed around the property.

According to Mr. Shelton, a guy in Auburn takes the tires and he thought they burned the tires for energy recovery. When asked about air bags, Mr. Shelton said he always takes older models so they don't have air bags in them. Mr. Shelton said Atkins came in February and removed the mercury switches and fluids from the cars before processing them at Genessee Scrap & Tin. Mr. Shelton did not know if the cars were prepped at the site or at Genessee. Mr. Shelton also did not know what Mr. Atkins did with the waste fluids, mercury switches, etc.

At the time of the inspection, there were about 40 cars being stored at the site. According to Mr. Shelton, these cars have been at the site since after the February pickup.

I inspected the property back behind an old abandoned building on the property. The building contained some old equipment and appliances such as a refrigerator and a lawn mower. Some abandoned trucks were observed behind the building. I observed some wet areas behind the building and believe wetlands are located in the back of the property. Some vehicles on the property appear to have been stored at the site for many years. According to Mr. Shelton, the only materials Atkins left in February were gasoline tanks and tires.

CONCLUSIONS AND RECOMMENDATIONS

EPA inspected Flint Auto Wreckers on Wednesday, June 16, 2004. According to government databases, the site has never manifested any hazardous waste off-site and did not have an EPA Identification number. The facility had never been inspected. At this time, it is unknown how waste fluids and other hazardous materials are handled when prepping cars for processing at Genessee Scrap & Tin. A Section 3007 Information Request Letter will be sent to the owner, Mr. Louis Atkins, to determine the outcome of the waste materials.